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or Punishment

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COMMITTEE AGAINST TORTURE

Seventeenth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 262nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 11 November 1996, at 10 a.m.

Chairman: Mr. DIPANDA MOUELLE

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.262/Add.1.

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The meeting was called to order at 10.15 a.m.

OPENING OF THE SESSION

1. The CHAIRMAN declared open the seventeenth session of the Committee and welcomed the members.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (CAT/C/36)

2. The provisional agenda was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

3. The CHAIRMAN said that at the previous session, a number of members had suggested meeting to hold an exchange of views 30 minutes before consideration of a report submitted by a State party began. He took it that there was general agreement on that proposal.

4. It was so decided.

5. Mr. SORENSEN offered to report on the Symposium on Torture in the Middle East and North Africa: Prevention and Treatment Strategies, which he had attended in June 1996 in Athens, the meeting of the Working Group on the Question of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, held last month in Geneva, and the International Conference on Torture, organized by Amnesty International in October in Stockholm, which he had attended together with Mr. Gonzalez Poblete. He would also show slides on what constituted torture and how the Committee conducted its visits.

6. The CHAIRMAN suggested that Mr. Sorensen might make his report on Wednesday, 20 November, following consideration of the report of Poland.

7. It was so agreed.

8. The CHAIRMAN said that he had participated in the Seventh Meeting of Persons Chairing the Human Rights Treaty Bodies, held in September in Geneva, and offered to report on its work on Thursday, 21 November.

9. It was so agreed.

10. The CHAIRMAN said he hoped that one or more of the members of the Committee who were following the work of the other treaty monitoring bodies (Mr. Camara for the Human Rights Committee, Mr. Burns for the Committee on Economic, Social and Cultural Rights, Mr. Pikis for the Committee on the Elimination of Racial Discrimination, Ms. Iliopoulos-Strangas for the Committee on the Elimination of Discrimination against Women and Mr. Sorensen for the Committee on the Rights of the Child) might be able to report briefly on those committees.

11. Mr. BRUNI (Secretary of the Committee) said that the Committee's proposal for an additional one-week session each year would be considered by the General Assembly at its current session. The initiative would require the

support of a sufficient number of Member States for a corresponding resolution adopted. The secretariat would keep the Committee informed of developments.

12. Mr. SORENSEN suggested that the members of the Committee should contact their missions in Geneva with a view to mobilizing support for such a resolution through their delegations to the General Assembly.

13. Mr. DE ZAYAS (Centre for Human Rights) said that provision had been made, in the context of the restructuring of the Centre for Human Rights, for a six-month transitional period during which treaty bodies were invited to prepare a list of possible improvements in working methods in order to enhance treaty implementation. The recommendations of the Seventh Meeting of Persons Chairing the Human Rights Treaty Bodies were of particular relevance in that connection. He would transmit any proposals the Committee wished to make to the High Commissioner for Human Rights.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 3)

14. Mr. BRUNI (Secretary of the Committee) said that during the period June 1988 to October 1996, 92 initial reports had fallen due: 61 had already been submitted and 31, or approximately one third, were late. Of the latter, 15 were more than three years overdue, namely: Uganda and Togo, whose reports had been due in 1988; Guyana (report due in 1989); Brazil and Guinea (reports due in 1990); Somalia (report due in 1991); Estonia, Venezuela, Yemen and Yugoslavia (reports due in 1992); Benin, Bosnia and Herzegovina, Cape Verde, Latvia and the Seychelles (reports due in 1993). Those States had already received between 4 and 13 reminders, including letters from the Chairman of the Committee to the Minister for Foreign Affairs. Also, at its eleventh session the Committee had asked Belize to submit a new version of its initial report, which had been too short, for 10 March 1994. Despite three reminders from the secretariat and a letter from the Chairman to the Minister for Foreign Affairs, the report had still not been received.

15. During the period June 1992 to October 1996, 59 second periodic reports had fallen due: 29 had already been submitted, and 31 were late, including 14 which were more than three years overdue, namely: Afghanistan, Austria, Belize, Bulgaria, Cameroon, France, Luxembourg, Philippines, Togo and Uganda (reports due in 1992), and Guyana, Peru, Tunisia and Turkey (reports due in 1993). Between three and five reminders had already been sent to those States.

16. In 1996, 26 third periodic reports were due, 19 of which were already several months late.

17. Mexico had sent additional information on the questions raised by the Committee during the consideration of its second periodic report in November 1992. That information was contained in document CAT/C/17/Add.17. On the other hand, the additional information requested of Nepal for April 1995 had not yet been received. Other States parties which had not yet sent additional information requested by the Committee without a deadline having been set were: Canada (April 1993) and Cyprus (November 1993).

18. Prior to the current session, the secretariat had received the following reports for consideration next year: the initial report of Namibia; the second periodic reports of Cyprus and Paraguay; the third periodic reports of Argentina, Denmark, Mexico, Sweden, Switzerland and Ukraine. It was to be hoped that the Committee could appoint rapporteurs for those countries in the course of the current session and decide how many of those nine reports would be included in the programme of work for the Committee's next session and how many would not be considered until November 1997.

19. Lastly, he reminded members that a decision had been taken to draw up a list of States which were late in submitting their reports, to be given to journalists at the press conference on the last day of the session. That list was ready and would be distributed in English and French.

20. Mr. GONZALEZ POBLETE noted that the list of States parties whose reports were overdue was very long. At the current session, the Committee would be considering the second periodic reports of two States that should already be submitting their third. He felt that the Committee should review its standards with respect to the periodicity of reports. As supplementary reports must refer to material contained in a previous report, the date on which a periodic report fell due should be calculated from the date of submission of the previous report.

21. The CHAIRMAN pointed out that article 19 of the Convention laid down specific time-limits for the submission of both initial and periodic reports.

22. Mr. GONZALEZ POBLETE said that it was a matter of interpretation, particularly of the word "thereafter" in the second sentence of article 19, paragraph 1, which could mean either with effect from the year following the entry into force of the Convention or with effect from the date of submission of the initial report. The general guidelines regarding the form and contents of periodic reports (CAT/C/14) stated that periodic reports should consist of two parts: information on new measures and new developments since the date of submission of the previous report and any information requested by the Committee during its consideration of the preceding report.

23. Mr. PIKIS considered that while the obligation under article 19 to submit an initial report was absolute, the requirement regarding supplementary reports seemed less binding since it referred to information on "any new measures taken". However, the final phrase of article 19, paragraph 1, authorized the Committee to request "other reports", and its prerogative in that regard was not subject to the four-year time-limit applicable to supplementary reports. When the Committee was concerned about non-compliance with the Convention, it should request additional reports within one year or even six months.

24. Mr. SORENSEN said that the Committee should express its disapproval when States parties failed to supply additional information that had been requested, for instance in the case of Nepal. Moreover, when such information was received, for example in the case of Mexico, the country rapporteur and alternate rapporteur should check whether it was in conformity with the Committee's request.

25. He was reluctant to defer consideration of country reports for more than one session. Perhaps the nine reports that had been received could all be covered at the next session if, for example, those of Denmark and Sweden or Mexico and Argentina were considered in one day.

26. Mr. BRUNI (Secretary of the Committee) said that the rapporteurs for Mexico were no longer members of the Committee but the additional information was available in all languages for consultation.

27. It was by no means unusual for human rights treaty bodies to defer consideration of reports for more than one session. The Committee should not feel under pressure to consider all nine reports at the next session.

28. Ms. ILIOPOULOS-STRANGAS said that, given the increasing number of communications received under article 22 of the Convention, it was doubtful whether nine reports could be covered at a single session.

29. Mr. PIKIS suggested that the question of the number of reports to be considered at a particular session should be left to the Chairman's discretion. The amount of time allocated to a report depended on the complexity of the situation in the country concerned.

The public part of the meeting rose at 11.15 a.m.